



Senate Judiciary, March 3, 2013
Opposition to Senate Bills 35, 36, 37, 38, 39

Senate Bills 35, 36, 37, 38 and 39 would amend current law to allow certain cities to establish additional civil and criminal penalties that could be imposed on a person who committed a blight violation and failed to pay a fine and costs of \$1,000. The assumption is that changes to the current law would either make it more likely that certain fines or costs would be paid, or paid in a timely manner, or provide alternative options for cities to more effectively or efficiently collect a payment related to a lien.

The ACLU of Michigan's primary concern is that SBs 35-39 criminalize nonpayment of blight assessments. If there are fines or costs imposed for blight violations that exceed \$1000, and the person does not pay them, the person is liable for the first offense for a civil infraction, and for subsequent offenses for a misdemeanor.

Because SBs 35-39 provide no mechanism for review that a person facing blight violations has the ability to pay their fines, this legislation will have a disproportionate and harsher impact on the indigent. Should this legislation be passed into law, it will be the poor, who do not have the ability to pay steep fines with quick turnaround, who are most at risk of encountering civil and criminal penalties.

As a result of the state's financial crisis, more and more people in Michigan are becoming poor. Rather than passing legislation, such as SBs 35-39, that criminalizes people who are poor, the legislature should focus on solutions to the root causes of poverty in Michigan.

Furthermore, SBs 35-39 exempts lending institutions that hold foreclosed properties. Many of the blight problems cities face are the result of banks failing to maintain foreclosed, empty homes. It is unfair to criminally punish poor people who cannot afford to keep up their homes while allowing banks to let homes deteriorate.

Finally, there is no proof that this legislation will save local units money. In fact, the indirect effects of this legislation could increase costs for local units. Because there is no data to indicate how many offenders would be charged with the proposed misdemeanors, those convicted could be incarcerated and/or placed under community supervision on the taxpayer's dime.

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